

## CHAPTER 50: SOLID WASTE

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### ' 50.01 AUTHORITY TO REGULATE SOLID WASTE DISPOSAL.

The power to regulate and enforce the disposal of solid waste in conformity with this chapter is derived from KRS Ch. 109, KRS Ch. 224, and all other statutory and common law authority.  
(Ord. 03-17-08, passed 3-17-2009)

### ' 50.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**COMMERCIAL WASTE, HAZARDOUS WASTE, HOUSEHOLD WASTE, INDUSTRIAL WASTE, SOLID WASTE, TOXIC WASTE.** Each shall have the same meaning as defined and classified by the United States Environmental Protection Agency.

**CONTAINER.** An air-tight fitting metal or plastic receptacle with a capacity not exceeding 30 gallons containing two handles.

**ENFORCEMENT OFFICER.** The solid waste coordinator or any other officer authorized to enforce this chapter.

**GARBAGE.** Putrescible animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**LITTER.** Rubbish, refuse, waste material, offal, paper, glass cans, bottles, trash, debris or any foreign substance of whatever kind or description whether or not it is of value which is not contained or disposed of in accordance with this chapter.

**REFUSE.** All putrescible and non-putrescible solid waste (except body waste) including, but not limited to, garbage, rubbish, street cleanings, dead animals, abandoned automobiles and industrial wastes.

**SHELBY COUNTY 109 SOLID WASTE DISTRICT DISPOSAL BOARD.** The agency responsible for carrying out the provisions of this chapter.  
(Ord. 03-17-08, passed 3-17-2009)

**50.03 DISPOSAL OF GARBAGE AND REFUSE.**

(A) All household refuse or garbage shall be placed in closed containers and secured so as to prevent the contents from escaping therefrom and circulating freely in the environment. Wet garbage shall be drained and placed in waterproof containers such as plastic bags.

(B) Any person, business or organization that places garbage or refuse in a plastic bag or other container at curbs or roadside for collection shall be responsible for the contents of the bag or container until it is picked up by the trash collector. If the bag or container is spilled prior to pickup, it is the responsibility of that person, business or organization to collect the spilled contents and to ensure that it is properly disposed of.

(C) All commercial and industrial establishments shall dispose of refuse or garbage in dumpsters or other containers designated for their use in such a way to prevent the contents from escaping therefrom and circulating freely in the environment. The scavenging of public and private dumpsters is prohibited.

(D) The burning of refuse or garbage is prohibited.

(E) The placement of toxic or hazardous materials in garbage containers or dumpsters is prohibited.

(F) The placement of refuse or garbage in a dumpster that is at full capacity is prohibited. The placement of garbage or refuse next to or outside of a dumpster is also prohibited.

(G) The posting or placement of advertisements, posters, handbills or any other type of paper item upon any telegraph, telephone, railway or electric light pole or any other utility pole or on any public building is prohibited.

(H) All county residents, businesses or organizations that encounter special disposal problems shall be responsible for seeking the advice of the Shelby County Solid Waste Coordinator or the Shelby County 109 Solid Waste Board.

(I) All persons, businesses or organizations that haul or transport garbage or refuse of any type shall secure their load in such a manner so that the contents will not spill, fall, leak or blow from the vehicle while the load is being transported for disposal. In the event of garbage or refuse spilling, falling, leaking or blowing out of such a vehicle during transport, the driver and/or occupants of the vehicle shall immediately stop and retrieve any and all items that spilled, fell, leaked or were blown out of the vehicle.

(J) All garbage and refuse shall be disposed of by placing it in public or private receptacles or containers for collection or by delivery to the Shelby County convenience center or other authorized disposal site which meets the environmental performance standards of 401 KAR Ch. 49 in accordance with regulations adopted by the solid waste board for operation and use of such facility. It shall be unlawful for any person, business or organization to dump any garbage, refuse or litter into any stream, ditch, storm sewer, sanitary sewer or other waterway or drain within Shelby County, Kentucky. This does not preclude putrescible wastes from domestic Agarbage grinders@ discharging into sanitary sewers.

(K) In the event that any object of litter that bears a person=s name is discovered upon the property of another person without that property owner=s consent, or upon any public highway, street, road, public park property or recreational area or any other public property (except property specifically designated for that use), it shall be prima facie evidence that the person whose name appears thereon placed the litter thereon.

(L) Every person, business or organization shall be fully responsible for the proper disposal of all garbage, refuse or litter that is generated, produced or otherwise created on the property of that person, business or organization or that is generated, produced or otherwise created by that person, business or organization.

(M) All waste haulers that charge a fee for service or anyone engaged in the business of hauling garbage or refuse shall register with and purchase an annual permit from the Shelby County Solid Waste Board by January 31 of each year. Each person, business or organization shall furnish the following information to the Shelby County Solid Waste Board: name and address of the person, business or organization, type of vehicle used to transport garbage or refuse; names and addresses of all customers, name of landfill being used, and receipts from the landfill.

(N) All persons, businesses and organizations that collect materials for recycling shall register each year with the Shelby County Solid Waste Coordinator by January 31 of each year. Each recycler shall report the following information at that time: amount of material collected for recycling by volume, weight and number of items collected during the previous calendar year for recycling and the types of items collected for recycling.

(O) Any person, business or organization that operates a commercial establishment which handles or processes food, including but not limited to grocery stores, restaurants and fast food establishments shall have at least one receptacle or container for waste disposal located outdoors on the premises of the business.

(Ord. 03-17-08, passed 3-17-2009) Penalty, see ' 50.99

**' 50.04 IMPORTING OR TRANSFERRING WASTE.**

It shall be unlawful to transport or otherwise bring into the county, for the purpose of transferring, distributing, unloading, or off-loading any waste, garbage, refuse, litter or other discarded item, whether commercial waste, hazardous waste, household waste, industrial waste, solid waste, toxic waste or any other waste unless such waste is transported into the county for the purpose of disposal, incineration, storage, reclamation, destruction or recycling at a site in the county that has been approved and permitted for the purpose by the Kentucky Cabinet of Natural Resources and Environmental Protection or other such state agency, the Triple S Planning and Zoning Commission and the Shelby County Fiscal Court whose authorization shall be necessary so that any such site or facility can be lawfully operated.

(Ord. 03-17-08, passed 3-17-2009) Penalty, see ' 50.99

**' 50.05 TIME LIMIT.**

It shall be unlawful to transport or otherwise bring into the county, any waste, garbage, refuse, litter or other discarded items, whether commercial waste, hazardous waste, household waste, industrial waste, solid waste or toxic waste for the purpose of its disposal, incineration, storage, reclamation, destructions, recycling or other storage for any period exceeding 12 hours.

(Ord. 03-17-08, passed 3-17-2009) Penalty, see ' 50.99

**' 50.06 RECEIVING WASTE.**

It shall be unlawful to collect, incinerate or recycle any waste, whether commercial waste, hazardous waste, solid waste, toxic waste or any other waste in the county, except at a site that has been approved and permitted for the purpose by the Kentucky Cabinet of Natural Resources and Environmental Protection or other such state agency, the Triple S Planning and Zoning Commission and the Shelby County Fiscal Court whose authorization shall be necessary so that any such site or facility can be lawfully operated.

(Ord. 03-17-08, passed 3-17-2009) Penalty, see ' 50.99

**' 50.07 RULES AND REGULATIONS.**

The Shelby County Solid Waste Board shall make, amend, revoke and enforce reasonable rules and regulations governing the solid waste program including, but not limited to the following:

- (A) Procedures addressing the preparation, drainage and wrapping of garbage deposited in solid waste containers;
- (B) Specifications for solid waste containers, including the type, composition, size and shape thereof;
- (C) Identification of solid waste containers and of the covers or lids thereof, and of equipment appertaining thereto;
- (D) Weight limits on the combined weight of solid waste containers and the content thereof and weight and size limits of bundles of solid waste too large for such solid waste containers;
- (E) Storage of solid waste in solid waste containers;
- (F) Sanitation, maintenance and replacement of solid waste containers;
- (G) Processing facilities and fees for the use thereof;
- (H) Disposal facilities and fees for the use thereof;
- (I) Records of quantity and types of wastes received at processing and/or disposal facilities;
- (J) Handling of special wastes such as sludges, ashes, agriculture, construction, bulk items, tires, automobiles, oils, greases and other like materials;
- (K) Reporting requirements of permit holders; and
- (L) Operation and use of the convenience center.  
(Ord. 03-17-08, passed 3-17-2009)

**‘ 50.08 ENFORCEMENT PROCESS FOR CLEAN-UP OF ILLEGAL DUMP SITES.**

The process and procedures for cleaning and eliminating illegal dumps shall be that as provided in KRS Ch. 224 and other applicable law.  
(Ord. 03-17-08, passed 3-17-2009)

**‘ 50.09 SOLID WASTE MANAGEMENT.**

(A) The county shall provide a universal collection program for all municipal solid waste generated with the county.

(B) Universal collection is a municipal solid waste collection program system established by ordinance herein and approved by the cabinet that requires access for each household or solid waste generator in the county.

(C) Collection practices or programs may or more of the following:

(1) *Door-to-door household collection.* Collection service may be provided by the county, by contract, franchise or permit with the private sector; or

(2) *Direct haul to staffed convenience centers or staffed transfer facilities within the county.* The county may allow residents to haul their waste directly to cabinet-approved staffed convenience centers or staffed transfer facilities within the county.

(3) *Other alternatives proposed by the county.* Any other alternatives including subscription services or unstaffed convenience centers so long as approved by the Cabinet.

(D) Any solid waste collectors employed by the county or any solid waste collection agency operating under contract with the county are authorized to enter upon private property for the purpose of collecting solid waste therefrom as may be required herein. Solid waste collectors shall not enter dwellings or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the Director.

(E) Solid waste collectors operating within the county pursuant to this provision shall be responsible for the collection of solid waste from collection points to transportation vehicle provided that the solid waste being collected is stored in compliance with the provisions of this chapter. The collector shall be responsible for any spillage or blowing litter from the transportation vehicle.

(F) The following wastes may not be deposited or placed in solid waste containers or receptacles:

- (1) Hazardous waste;
- (2) Liquid wastes;
- (3) Bulky wastes, appliances or furniture;
- (4) Tires;
- (5) Construction or demolition waste;
- (6) Dead animals;

- (7) Any burning or smoldering materials or any materials that create a fire hazard;
- (8) Batteries;
- (9) Yard waste.

(G) No person shall climb onto or inside of a solid waste container or receptacle or remove any item therefrom.

(Ord. 03-17-08, passed 3-17-2009) Penalty, see ' 50.99

**' 50.10 ENFORCEMENT.**

Any Solid Waste Enforcement Officer or the Director of Solid Waste is authorized to issue notices of violations of this chapter and to seek enforcement of the provisions of this chapter.

(Ord. 03-17-08, passed 3-17-2009)

**' 50.11 EFFECTIVE DATE.**

This chapter shall take effect upon its passage and approval and publications as required by law.

(Ord. 03-17-08, passed 3-17-2009)

**' 50.99 PENALTY.**

(A) Any person, business or organization convicted of violating any provision of this chapter for which no specific penalty is provided shall be subject to the penalties contained in Shelby County, Kentucky Code of Ordinances ' 10.99.

(B) Any person, business or organization convicted of violating the provisions of ' 50.03(D), (E), (F) or (J), or the provisions of ' ' 50.04 through 50.06 shall be guilty of a class A misdemeanor. Each day=s continued violation shall constitute a separate violation.

(Ord. 03-17-08, passed 3-17-2009)